

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRYSTAL DENISE PHILLIPS

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CR.NO. 2:05CR268-A

DEFENDANT'S UNOPPOSED MOTION TO CONTINUE TRIAL

Comes Now, Crystal Denise Phillips, by undersigned counsel, who moves the Court for the entry of an order continuing the trial in this cause. In support of her motion, the following is shown:

1. By previous order, the Court scheduled trial in this cause for the jury term beginning June 26, 2006.

2. Throughout the course of the representation of the client in this CJA appointment, counsel has had difficulty in effectively communicating with the client concerning matters relating to the case. Counsel had believed that the source of the difficulty was merely that the client was disinterested in matters relating to the case, choosing instead to have counsel deal with those matters despite the personal concern which counsel believes the client should have. However, counsel came to learn that there could be more to the situation.

3. In speaking with a colleague about the case and the client on the evening of June 15, 2006, counsel came to understand that there may be a deeper rooted explanation for the client's behavior vis-a-vis her case and counsel. Counsel's colleague suggested that Ms. Phillips may be suffering from either a learning disability, or a mild form mental retardation that allows her to be able to function, albeit on a limited scale, while masking the overt signs of it. The existence of either of these factors could have a profound impact upon the case and/or its disposition.

4. Since counsel is untrained in these matters, he believes that is essential that

appropriate evaluations be conducted in order to determine whether Ms. Phillips suffers from either condition. Until speaking with his colleague on June 15, counsel did not understand or recognize that the behavior demonstrated by the client, or the apparent disinterest with which she approached the pending matter could be attributable to these factors.

5. On June 16, 2006, counsel telephoned Mr. Christopher Snyder, one of the Assistant United States Attorneys representing the government in this matter. Counsel explained to Mr. Snyder the essence of what is included in this motion. Counsel also informed Mr. Snyder that he intended to meet with Ms. Phillips and discuss the matter of evaluations with her and, if she consented, that counsel would be moving to continue the trial. Counsel could not get in touch with Ms. Phillips until late in the afternoon on Friday, June 16 and the appointment was arranged for Monday, June 19 at 1:00 p.m. Following the meeting with the client counsel again spoke with Mr. Snyder to further discuss this matter. Mr. Snyder informed counsel that the government did not oppose the Court granting the relief sought herein.

6. While undersigned counsel recognizes that a motion to continue the trial filed so close to the trial date is extraordinary, he also certifies that the motion is made in good faith, for the reasons set forth and is not interposed for delay or for any other improper purpose.

7. A waiver of speedy trial rights has been signed by Ms. Phillips and is being filed contemporaneously with this motion.

WHEREFORE, Ms. Phillips prays the Court will consider the matters set forth herein, and after due consideration, grant the relief sought and enter its order continuing the trial of this cause until such later date as the Court deems appropriate.

Respectfully submitted,
s/Stephen R. Glassroth
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CERTIFICATE OF SERVICE

I hereby certify that on June 19, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Mr. Christopher Snyder, Assistant United States Attorney.

s/Stephen R. Glassroth
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